

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

ANDREW CORZO, SIA HENRY, ALEXANDER LEO-  
GUERRA, MICHAEL MAERLENDER, BRANDON  
PIYEVSKY, BENJAMIN SHUMATE, BRITTANY  
TATIANA WEAVER, and CAMERON WILLIAMS,  
individually and on behalf of all others similarly situated,

**Case No. 1:22-cv-00125**

Plaintiffs,

v.

**Hon. Matthew F. Kennelly**

BROWN UNIVERSITY, CALIFORNIA INSTITUTE  
OF TECHNOLOGY, UNIVERSITY OF CHICAGO,  
THE TRUSTEES OF COLUMBIA UNIVERSITY IN  
THE CITY OF NEW YORK, CORNELL  
UNIVERSITY, TRUSTEES OF DARTMOUTH  
COLLEGE, DUKE UNIVERSITY, EMORY  
UNIVERSITY, GEORGETOWN UNIVERSITY, THE  
JOHNS HOPKINS UNIVERSITY, MASSACHUSETTS  
INSTITUTE OF TECHNOLOGY, NORTHWESTERN  
UNIVERSITY, UNIVERSITY OF NOTRE DAME DU  
LAC, THE TRUSTEES OF THE UNIVERSITY OF  
PENNSYLVANIA, WILLIAM MARSH RICE  
UNIVERSITY, VANDERBILT UNIVERSITY, and  
YALE UNIVERSITY,

Defendants.

**MOTION TO SEAL**

Plaintiffs respectfully move for leave to file under seal Plaintiffs' Memorandum in Response to the Objections of 37 Donor-Related Students to the Production of their FERPA-Protected Education Records by Defendants Cornell, Georgetown, and Penn (Plaintiffs "FERPA Response"), as well as the Proposed Order filed together with that Response. Plaintiffs' FERPA

Response and Proposed Order have been provisionally filed under seal contemporaneously herewith.

While Plaintiffs' FERPA Response relies largely upon public information, the FERPA Response also incorporates information potentially subject to confidentiality designations asserted by the Objecting Students and Defendants Cornell, Georgetown, and Penn under the Confidential Order in this case.

The burden is on the party or parties seeking confidentiality to overcome the presumption of access. *Heraeus Kulzer, GMBH, v. Biomet, Inc.*, 881 F.3d 550, 566 (7th Cir. 2018) ("courts resolving such motions have placed the burden on party seeking confidentiality to show good cause for keeping the documents from public view"); *NEXT Payment Sols., Inc. v. CLEAResult Consulting, Inc.*, 2018 WL 3637356, at \*15 (N.D. Ill. July 31, 2018) ("The Federal Rules similarly place the burden on a party seeking to limit disclosure of confidential information to demonstrate that it will be harmed by disclosing information it believes to be confidential."); *In re Bank One Sec. Litig.*, 222 F.R.D. 582, 586 (N.D. Ill. 2004) ("party seeking confidentiality has the burden of showing good cause"). While Plaintiffs are the filing parties with respect to the FERPA Response and Proposed Order, Plaintiffs are not the parties seeking confidentiality or proposing specific redactions. Having designated cited materials confidential, the Objecting Students and Defendants Cornell, Georgetown, and Penn have the burden to justify their confidentiality.

Plaintiffs suggest that the Objecting Students and Defendants Cornell, Georgetown, and Penn be afforded an opportunity to show cause as to why sealing or redaction is justified. Absent any timely request for sealing or redaction, Plaintiffs will if necessary file an unredacted copy of the FERPA Response and Proposed Order on the public docket.

Plaintiffs take no position on whether any of the material meets the requirements for sealing under the governing standards.

Dated: December 18, 2023

/s/ Robert D. Gilbert

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